

REMARKS

I. Status of the Claims

By this Amendment, claims 1-14 and 16 are pending and stand rejected. Claim 15 has been previously cancelled. Applicants amended claims 1-14 and added new claim 16 in order to more particularly point out and distinctly claim what Applicants regard as the invention.

Support for the amendments can be found throughout the specification, including the original claims and the drawings. For example, support for the amendments to claim 1 and for new claim 16 can be found in the original claim 1, in paragraphs [0030] and [0032], as well as in the Figures 3 and 4 in U.S. Patent Application Publication No. 2006/0078763 ("the '763 publication"), which is the U.S. patent application publication for the instant application. Specifically, the '763 publication, at paragraph [0030], sets forth: "As a consequence of the adoption of the asymmetrical design it is possible to fix the pressure drop values to respectively a few millibars for the distributing channels and to tens of millibars, preferably one to two hundred millibars, for the collecting ones."

Support for the amendments to claims 6 and 7, for example, can be found in paragraph [0029] in the '763 publication, while support for the amendments to claim 9 can be found in paragraph [0047]. Support for the amendments 13 and 14 can be found in paragraphs [0031] and [0032] in the '763 publication.

No new matter has been introduced. Applicants request reconsideration of the application in view of the foregoing amendments and the following remarks.

II. Claim Objections

Claims 5 and 9 are objected to due to typographic errors. See Office Action at 2. Applicants submit that the amendments to claims 5 and 9 have rendered the objections moot and respectfully request the withdrawal of the objections.

III. Claim Rejections under 35 U.S.C § 102

Claims 1-6, 10, and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rothmayer et al. (U.S. Patent No. 4,233,146) ("Rothmayer") for reasons of record. See Office Action at 2-3. Applicants respectfully disagree.

At the outset, and contrary to the Examiner's assertion, the spacer (22) in Rothmayer is not a current collector/distributor. *Id.* at 2. "Spacer 22 may be a screen of thermoplastic fibers or similar nonreactive material which provides for desirable turbulent flow of the fluid over the adjoining membranes." Rothmayer, col. 5, lines 60-63. One skilled in the art would know that a current collector in a fuel cell is electrically conductive so that it establishes electrical connection between two bipolar plates, while the thermoplastic fibers is an insulator. The electrodialyzer of Rothmayer does not have a current collector/distributor. Instead, the electrical connections among cells are established by the liquid electrolyte (92) or by the ionic solution being dialyzed, e.g., (102) and (104). *Id.*, at col. 6, lines 37-59 and Figure 5.

Furthermore, Rothmayer fails to disclose the limitation in claim 1: "the pressure drop in the extraction device is about four to a hundred times higher than said pressure drop in the feed device." Claim 1, as amended. Nowhere in Rothmayer does it disclose the pressure drop in the manifold or distributing channels at the inlet or the outlet of the liquid being dialyzed, much less their relative values.

For these reasons, Applicants submit that Rothmayer fails to disclose each and every element in claim 1 or in any of its dependent claims 2-6, 10, and 13. Applicants respectfully request the withdrawal of the rejections.

IV. Claim Rejections under 35 U.S.C § 103

Claims 7, 8, 9, 11, 12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmayer for reasons of record. See Office Action at 4-5. Applicants respectfully disagree.

Regarding claims 7 or 8, the Examiner alleges that “[i]t would be obvious to configure the extraction device so that the collecting channels were longer or more tortuous, or that there were fewer of them relative to the distributing channels of the feed device.” *Id.* at 4. Applicants respectfully disagree because Rothmayer does not teach or suggest that it is desirable to increase the pressure drop in the collecting channels. Rothmayer also does not disclose or suggest the relative pressure drops in the collecting channels and the distributing channels, as in claim 1, which claims 7 and 8 are dependent from.

Regarding claims 9, 11, 12, and 14, Applicants respectfully submit that these claims are allowable for the same reason *i.e.*, Rothmayer fails to disclose or suggest the relative pressure drops in the collecting channels and the distribution channels recited in the independent claim 1. For at least reasons set forth above, Applicants submit that the Examiner has not established a *prima facie* case of obviousness and request the withdrawal of the rejections.

V. Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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